

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
MARCH 28, 2006
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:34 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Jose Alexandro Lozano, Presi Ortega, Jr., Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Absent: Melina Castro. Late arrival: None. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

Motion made by Representative Steve Ortega, seconded by Representative Lilly, and unanimously carried to **RECESS** the City Council meeting at 9:11 a.m. for the Mass Transit Department Board Meeting.

Motion made by Representative Presi Ortega, Jr., seconded by Representative Steve Ortega, and unanimously carried to **RECONVENE** the City Council meeting from the Mass Transit Department Board Meeting at 9:16 a.m.

MAYOR'S PROCLAMATIONS

1. **MONTH OF THE CHILD**
Ms. Isela Castanon-Williams commented.
2. **AUTISM SPECTRUM DISORDER**
Ms. Aurelio Valdez commented.
3. **LINEAE TERRARUM INTERNATIONAL BORDERS CONFERENCE DAYS**
4. **PROFESSIONAL SOCIAL WORK MONTH**
5. **LAS PALMAS NEIGHBORHOOD ASSOCIATION CLEAN-UP WEEK**
Ms. Laura Rivera commented.

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

1. Mr. William F. Hart, Jr. commented on Regional Mobility Authority and tolls.

Motion made by Representative Lozano, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Hart an additional two (2) minutes to speak.

2. Ms. Heather McMurray commented on the sale of the city building located at 800 Paisano (Environmental Center).

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Ms. McMurray an additional two (2) minutes to speak.

Representative Lozano commented.

Ms. Joyce Wilson, City Manager, commented.

3. Mr. Manuel Padilla commented on the park development in Tierra del Este.

4. Ms. Esther Perez commented on open space.

5. Mr. Guillermo Glenn commented on the Sahara workers' layoff.

Mayor Cook and Representatives Lozano and Presi Ortega, Jr. commented.

Mr. Charlie McNabb, City Attorney, commented.

6. Mr. Roberto Lerma commented on Council conduct.

Representative Holguin commented.

Mr. Charlie McNabb, City Attorney, commented.

7. Mr. Richard Schecter commented on the preservation of arroyos.

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Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

AYES: Representatives Lilly, Byrd, Lozano, Holguin, Steve Ortega, and O'Rourke

ABSTAIN: Representative Presi Ortega, Jr.

ABSENT: Representative Castro

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*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for Regular City Council Meeting of March 21, 2006, and Special City Council Meeting Minutes for January 30, 2006 (MPO) and March 20, 2006.

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*Motion made, seconded, and unanimously carried to **EXCUSE** Representative Melina Castro from the Regular Council Meeting of March 28, 2006.
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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign a First Amendment to Fuel Site Lease between the City of El Paso ("Lessor") and Cutter Aviation El Paso, Inc. ("Lessee") to allow for subleases with the prior written approval of the Lessor.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign a Lessor's Approval of Sublease between the City of El Paso ("Lessor"), Cutter Aviation El Paso, Inc. ("Lessee") and Certified Aviation Services, LLC ("Sublessee") regarding a portion of the premises located at 253 George Perry Blvd., El Paso, Texas.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, in accordance with Section 18.50 of the El Paso Municipal Code, the City Council of the City of El Paso, by Resolution dated the 26th day of October, 2005, after due notice and hearing, ordered SUNNYVIEW, L.L.C., record Owner of the hereinafter described property that the Building be demolished within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all trash, debris, and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso has been ordered to proceed to demolish the Building and clean the premises of all weeds, trash, and debris.

WHEREAS, the Director for Development Services Department has reported the cost of doing such work in the amount hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of demolishing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lot 52, Block 1, Upper Valley Place Unit Three, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 77, Page 76, Plat Records of El Paso County, Texas, municipally known and numbered as 737 Oscar Perez Avenue, El Paso, Texas,

to be \$10,190.94, performed by the Street Department of the City of El Paso, and \$1,085.90, performed by the City Attorney's Office and the City Clerk's Office, making a total of \$11,276.84. The City Council finds that the work was completed on the 31st day of January, 2006, and approves the costs.

2. That the City Council, in accordance with Texas Local Government Code §214.001(n), declares the above total amount of ELEVEN THOUSAND TWO HUNDRED SEVENTY-SIX AND 84/100 DOLLARS (\$11,276.84) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that the Domestic Abuse Response Team be operated for the 7/01/06 – 06/30/07 year; and

WHEREAS, the El Paso City Council agrees to provide the applicable in-kind match for the said project as required by the Office of the Governor grant application; and

WHEREAS, The El Paso City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Criminal Justice Division in full.

WHEREAS, the El Paso City Council designates City Manager Joyce Wilson as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate, authorize the transfer of funds of the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the El Paso City Council approves submission of the grant application for the Domestic Abuse Response Team project to the Office of the Governor, Criminal Justice Division.
2. The City Manager be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$88,604.00, from the City of El Paso Police Department to the Office of the Governor, Criminal Justice Division, the purpose of continuing the efforts of the Police Department's Domestic Abuse Response Team.
3. The City of El Paso agrees to provide an in-kind match in the amount of \$ 43,190.
4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.
5. The City Manager be authorized to sign Cooperative Working Agreements relating to the grant with the following agencies: El Paso County Sheriff's Office; Diocesan Migrant and Refugee Services, Inc., Battered Spouse Program; STARS; El Paso County District Attorney, Victim Assistance Program; El Paso County District Attorney, Domestic Violence Unit; El Paso County Attorney's Office, VOCA Protective Orders Program; Center Against Family Violence; Advocacy Center for the Children of El Paso; West Texas Community Supervision and Corrections Department, Victim Services Program; Rio Grande Council of Governments; and Family Service of El Paso, Crime Survivors Counseling Program.

*Motion made, seconded, and unanimously carried to re-appoint Gerald G. Mangrum to the Ethics Review Commission by Mayor John Cook.

*Motion made, seconded, and unanimously carried to **APPROVE** budget transfer BT2006-515 STREET Purchase of three new Toll Booths for the Zaragoza Bridge.

Increase	\$60,000	to	32000082/PPWBR0300643001/407002	EstRevenue
Increase	\$60,000	to	32000082/PPWBR0300643001/508004	PublicUseEq

1ST MOTION

*Motion made, seconded, and carried to **MOVE TO THE FOREFRONT** of the regular agenda.

2ND MOTION

Motion made by Representative Steve Ortega, seconded by Representative Holguin, and unanimously carried to **APPROVE** Change Order No. One (1) (Construction Change) to Blair-Hall Co., Inc. for Contract No. 2005-241, Fire Station No. 35, located at 12230 Pine Springs Drive, for an increased amount of \$126,835.65. The purpose of this Change Order is to change the paving material at the Fire Truck entranceway from HMAC to concrete for durability. In addition, this change order will add a rock wall and wrought iron fence at the West property line and the employee parking area. This Change Order will increase the construction period for this project by 74 days.

The revised scheduled completion date through this change order is August 11, 2006.

Current Contingency:	\$156,498.66
Prior Change Orders:	0
Proposed Change Order:	\$126,835.65
Remaining Contingency:	\$ 29,663.01
District:	6

Representative Holguin commented.

Mr. Rick Conner, City Engineer, commented.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
ABSENT: Representative Castro

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*Motion made, seconded, and unanimously carried to **APPROVE** the request that the Chief Financial Officer, Financial Services, be authorized to exercise the City's option to extend the term of the agreement for two (2) additional years, from March 31, 2006, through March 31, 2008, pursuant to the provisions of contract 2003-009R, Deferred Compensation Administrator, with ING, Fairfax, VA.

Option No.:	ONE [OF ONE]
Account No:	N/A
Funding Source:	N/A
Amount:	N/A
Department:	OMB\Insurance & Benefits

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*Motion made, seconded, and unanimously carried to **APPROVE** the request of Northeast Civic Leader's Council to hold the Northeast Parade on April 15, 2006, from 7:30 a.m. to 12:30 p.m. Route: Start at the intersection of Railroad and Diana, proceed on Diana to North Park Center, turn right at North Park Center and finish at North Park Center parking lot. Approximately 1,000 persons, 300 vehicles, 50 animals will take part and 10,000 spectators are anticipated. PERMIT # 06-021 [Jack Sturgis]

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*Motion made, seconded, and unanimously carried to **APPROVE** the request of Centro De Los Trabajadores Agricolas Fronterizos to hold a Cesar Chavez Farm Worker March on March 31, 2006, from 11:00 a.m. to 12:00 p.m. Route: Start at San Jacinto Plaza (111 Mills) to Oregon, proceed on Oregon, and finish at the Farm Workers Center (201 E. Ninth Ave). Approximately 100 persons, 100 vehicles will take part and 50 spectators are anticipated. This request includes permission to use amplification (1 bullhorn). PERMIT # 06-022 [Ignacio Ibarra]

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*Motion made, seconded, and unanimously carried to **APPROVE** the request of E.P.P.D./Westside Citizens Advisory Board to use amplification (2 microphones, 2 speakers, and 1 bullhorn) at White Spur Park,

4800 Love Rd, on October 28, 2006, from 8:00 a.m. to 2:00 p.m. for an animal safety fair. Approximately 40 persons will take part and 300 spectators are anticipated. PERMIT # 06-023 [Mary Alice Shashy]

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*Motion made, seconded and unanimously carried to **APPROVE** the request of El Paso Powerhouse Church to use amplification (2 speakers and 5 microphones) at Tula Irrobali Park, 601 S. Park, on April 1, 2006, and at Wellington Chew Park, 4430 Maxwell, on April 8, 2006, from 6:00 p.m. to 10:00 p.m. for a Riley Blast. Approximately 18 persons will take part and 35 spectators are anticipated. PERMIT # 06-024 [James Williams]

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Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Title 18 (Building and Construction), Chapter 18.50 (Property Maintenance Code) of the El Paso City Code, and local amendments, to correct typographical and related errors and deleting Section 18.50.115.4 (Defense). The penalty being provided in Section 18.02.107 of the El Paso City Code of no more than Two Thousand and 00/100 Dollars (\$2,000.00) per day per violation. **(All Districts)** [Development Services, Tom Maguire, (915) 541-4588]
- B. An Ordinance repealing Ordinance Numbers 014102 and 014116, which established the Building and Zoning Advisory Committee ("BZAC"), for the purpose of abolishing the Building and Zoning Advisory Committee ("BZAC") **(All Districts)**. [Development & Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

PUBLIC HEARING WILL BE HELD ON APRIL 11, 2006, FOR ITEMS A – B

- C. An Ordinance changing the zoning of Tract 3C, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas from C-4 (Commercial) to M-1 (Light Manufacturing). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 12001 Dyer Street. Applicant: Jobe Materials, L.P. ZON06-00003 **(District 4)** [Development Services/Planning, Mirian Spencer, (915) 541-4723]
- D. An Ordinance changing the zoning of Tract 1A, Nellie D. Mundy Survey No. 241, El Paso, El Paso County, Texas from M-1/SC (Light Manufacturing/Special Contract) to R-3A/SC (Residential/Special Contract). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: North of Artcraft Road, West of Interstate Highway 10. Applicant: Tropicana Development, Inc. Representative: CEA Engineering Group ZON06-00017 **(District 1)** [Development Services/Planning, Mirian Spencer, (915) 541-4723]
- E. An Ordinance changing the zoning of Lot 47, Singh Addition, El Paso, El Paso County, Texas from R-4 (Residential) to R-5 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 335 Singh Drive. Applicant: Elder Ramirez. ZON06-00018 **(District 6)** [Development Services/Planning, Christina Valles, (915) 541-4930]
- F. An Ordinance amending Ordinance Number 15845, in order to amend the conditions cited in same ordinance which changed the zoning of Parcel 1: A portion of Tract 44C, O.A. Danielson Survey No. 310, El Paso, El Paso County, Texas, now known as Lot 1, Block 1, Placitas de Zaragoza, El Paso, El Paso County, Texas, and imposed certain conditions. Subject Property: 1510 Zaragoza Road. Applicants: William Van Haselen, Tom Lewis, Neal Current ZON06-00019 **(District 6)** [Development Services/Planning, Mirian Spencer, (915) 541-4723]

PUBLIC HEARING WILL BE HELD ON APRIL 18, 2006, FOR ITEMS C – F

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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NO ACTION WAS TAKEN on the following item:

Discussion and action on unlicensed or minimally licensed homes and/or facilities operating in El Paso city limits and rendering care to the mentally and physically disabled.

1ST MOTION

Motion made by Representative Byrd, seconded by Representative Lozano, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Gary Larcemire to speak.

2ND MOTION

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. James Herendeen an additional minute to speak.

Representatives Byrd and Lozano commented.

Ms. Joyce Wilson, City Manager, commented.

The following members of the public commented:

1. Mr. Terry Hammond, Executive Director of NAH Guardianship Association
2. Mr. Gary Larcemire, Executive Director of EP MHMR.
3. Ms. Joann Herendeen
4. Mr. James Herendeen

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NO ACTION WAS TAKEN on the following item:

Discussion and action on proposed text revisions to Title 20 (Zoning) as recommended by the Building & Zoning Advisory Committee: Chapter 20.06 (Zoning Districts and Map) and Chapter 20.08 (Permissible Uses).

Mayor Cook and Representatives Steve Ortega and O'Rourke commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Pat Aauto, Deputy City Manager, Development and Infrastructure Services, presented a PowerPoint presentation (on file in the City Clerk's office).

The following members of the public commented:

1. Mr. Roland Correa
2. Mr. Richard Schecter

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Professional Services Contract between the City of El Paso and Wilbur Smith Associates for a project known as City of El Paso Annexation Assessment and Strategy in an amount not to exceed \$812,000.00.

Representatives Steve Ortega, Lilly, and O'Rourke commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Rick Conner, City Engineer
3. Ms. Pat Adauto, Deputy City Manager, Development and Infrastructure Services
4. Mr. Alan Shubert, Director of Development Services

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Lilly, and unanimously carried to **APPROVE** the above resolution.

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Motion made by Representative Lozano, seconded by Representative Lilly, and unanimously carried to **AWARD** Bid Solicitation No. 2006-005 Medical Supplies

Award to:	Vendor 1:	Heart Safe America, Inc. Dallas, TX
Item(s):		#1
Amount:		\$3,186.50 (estimated annually)
Award to:	Vendor 2:	Moore Medical, LLC New Britain, CT
Item(s):		#15, #24, #26, #33, #38, #43, #46, & #47
Amount:		\$13,090.50 (estimated annually)
Award to:	Vendor 3:	Emergency Medical Supply Shepperdsville, KY
Item(s):		#3, #12, #16, #20, #35, #36, #37, & #40
Amount:		\$90,948.88 (estimated annually)
Award to:	Vendor 4:	Tri-Anim Health Services, Inc. Sylmar, CA
Item(s):		#4, #6, #10, #11, #14, #27, #41, & #45
Amount:		\$31,044.90 (estimated annually)
Award to:	Vendor 5:	Gulf South Medical Supply, Inc. Jacksonville, FL
Item(s):		#5, #23, #28, #30, #31, #32, & #42
Amount:		\$15,427.10 (estimated annually)
Award to:	Vendor 6:	Kentron Health Care, Inc. Springfield, TN
Item(s):		#7, #8, #9, & #13
Amount:		\$6,133.96 (estimated annually)
Award to:	Vendor 7:	Ever Ready First Aid Brooklyn, NY
Item(s):		#2, #18, & #29
Amount:		\$3,229.00 (estimated annually)
Award to:	Vendor 8:	Owens & Minor, Inc. Phoenix, AZ
Item(s):		#17, #19, #21, & #34
Amount:		\$8,287.40 (estimated annually)
Award to:	Vendor 9:	Alliance Medical

Item(s): Russellville, MO
#22 ,#25, & #44
Amount: \$10,141.90 (estimated annually)

Department: Fire
Funds available: 22010319-503112
Funding source: Clinical/Medical Supplies
Total award: \$544,470.42 (estimated)
District (s): All

Fire Department and Financial Services-Purchasing Division recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

In addition to the attached list, items #4, #5, #29, #46 & #47 in the award list have no estimated annual expenditure because the Medical Director's Office and Texas Tech have encouraged the Fire Department to phase them out in favor of safer substitutes.

Item #39 will not be awarded as it is a duplicate of item #17

Vendor 1 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

Vendor 5 offers the City the option to extend the term of the contract at the same unit prices for one (1) or two (2) additional years if the option is exercised within two (2) years from the date of the award.

Vendor 6 offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within two (2) years from the date of the award.

Vendors 4 and 6 offer the City a prompt payment discount of 1% 10 days.

Vendor 8 offers the City a prompt payment discount of .5% 10 days.

This is a Requirements Type Contract with an initial term of thirty-six (36) months.

Ms. Carmen Arrieta-Candelaria, Chief Financial Officer of Financial Services, commented.

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ORDINANCE 16314

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 15627, AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE CITY CODE OF EL PASO, CHAPTER 2.77 (EL PASO TREE BOARD), SECTION 2.77.010 (COMMITTEE ESTABLISHED - MEMBERSHIP) TO REMOVE THE BOARD MEMBERSHIP REQUIREMENT THAT ONE MEMBER SHALL BE A REPRESENTATIVE FROM TEXAS FOREST SERVICE, CREATING EX-OFFICIO POSITIONS FOR THE REPRESENTATIVE FROM THE TEXAS FOREST SERVICE MEMBER AND THE CITY ARBORIST; TO INCREASE THE AT-LARGE BOARD POSITIONS FROM THREE TO FOUR; TO REMOVE CITY STREETS DEPARTMENT FROM THE ADMINISTRATIVE SUPPORT OF THE BOARD; AND SECTION 2.77.020 (TERMS AND ELECTION OF CHAIR AND VICE CHAIR) TO INCREASE THE TERM OF OFFICE FROM TWO YEARS TO FOUR; AND SECTION 2.77.040(A) TO EXEMPT THE CITY ARBORIST AND THE TEXAS FOREST SERVICE REPRESENTATIVE FROM THE PROHIBITION AGAINST BOARD MEMBERS HOLDING PUBLIC OFFICE OF HONOR, TRUST, OR PROFIT IN THE GOVERNMENT OF THE CITY, COUNTY OR STATE.**

Mayor Cook and Representative Holguin commented.

The following City staff members commented:

1. Dr. Norman C. Merrifield, Director of Parks and Recreation
2. Ms. Josette Flores, Assistant City Attorney
3. Mr. Charlie McNabb, City Attorney

Motion duly made by Representative Presi Ortega, Jr., seconded by Representative Byrd that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
 NAYS: None
 ABSENT: Representative Castro

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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NO ACTION WAS TAKEN on the following item:

City Manager's report of current events and issues:

Zoo Society presentation of five-year strategic plan.

Ms. Deborah Hamlyn, Deputy City Manager of Quality of Life, commented.

Mr. Rick Olivo, Board Member of Zoological Society, presented a PowerPoint presentation (on file in the City Clerk's office).

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 Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:35 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY
 Section 551.072 DELIBERATION REGARDING REAL PROPERTY
 Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
 Section 551.074 PERSONNEL MATTERS
 Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
 Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- EX1.** City's subrogation interest under the El Paso Employee Health Benefit Program regarding Mario Esparza (551.071)
- EX2.** Discussion and action on the claim of *Jimmy Gonzalez vs. The City of El Paso, et. al*; Cause No. EP-06-CA-047-FM (551.071)
- EX3.** Discussion and action on the claim of *Tomas Garcia vs. The City of El Paso*; Cause No. 2004-2341 (551.071)
- EX4.** General matters related to ASARCO, including but not limited to the bankruptcy case, the ASARCO permit application process, and the representation of the City of El Paso by Erich Birch of Birch & Becker (551.071)

Motion made by Representative Steve Ortega, seconded by Mayor Pro Tempore O'Rourke, and unanimously carried to **ADJOURN** the Executive Session at 9:04 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and unanimously carried that the City Attorney's Office be **AUTHORIZED SETTLEMENT AUTHORITY**, to negotiate settlement agreement and sign all documents to resolve the City's subrogation interest under the El Paso Employee Health Benefit Program regarding Mario Esparza.

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega, and unanimously carried that the City Attorney's Office be authorized to **REJECT** Plaintiff's settlement demand and be authorized settlement authority, to negotiate settlement agreement and sign all documents to resolve the lawsuit styled *Jimmy Gonzalez vs. City of El Paso, et. al.*; Cause No. EP-06-CA-0047-FM.

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and unanimously carried that the City Attorney's Office be authorized to **REJECT** Plaintiff's settlement demand in the lawsuit styled *Tomas Garcia v. City of El Paso*, Cause No. 2004-2341.

Motion made by Representative Presi Ortega, Jr., seconded by Representative Steve Ortega, and unanimously carried to **RECESS** the City Council meeting at 12:01 p.m. until Wednesday, March 29, 2006, at 9:30 a.m.

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr., and unanimously carried to **RECONVENE** the City Council meeting at 9:33 a.m. on Wednesday, March 29, 2006. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Jose Alexandro Lozano, Presi Ortega, Jr., Steve Ortega, and Beto O'Rourke. Absent: Melina Castro and Eddie Holguin, Jr.

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 9:33 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

EX5. General matters related to ASARCO, including but not limited to the bankruptcy case, the ASARCO permit application process, and the representation of the City of El Paso by Erich Birch of Birch & Becker (551.071)

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **ADJOURN** the Executive Session and **RECONVENE** the meeting of the City Council, during which time a motion was made.

Motion made by Mayor Pro Tempore O'Rourke, seconded by Presi Ortega, Jr., and carried that the City **NOT AUTHORIZE** outside counsel to file a motion for rehearing in connection with the ASARCO air permit application.

Representatives Castro and Holguin were not present for the vote.

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 10:12 a.m.

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk